

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

TERRY DANIEL,

Plaintiff,

vs.

CIVIL ACTION NO.  
CV-00-M-400-E

CITY OF LANETT FIRE and  
EMS DEPARTMENT,

Defendant.

\* \* \* \* \*

DEPOSITION OF TERRY L. DANIEL, taken  
pursuant to stipulation and agreement before Danny  
D. Tyler, Certified Shorthand Reporter and Notary  
Public in and for the State of Alabama at Large, in  
the Law Offices of Nix, Holtsford, Gilliland, Lyons  
& Higgins, Suite 300, 300-A Water Street,  
Montgomery, Alabama, on the 29th day of September,  
2000, commencing at approximately 10:15 a.m.

\* \* \* \* \*



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1 back to work.  
 2 Q. All right. And since February 1997, has the  
 3 city continued to pay for the brace?  
 4 A. I still got the original braces.  
 5 Q. So there's no ongoing expense with that?  
 6 A. No, sir. Plus I helped pay for the brace  
 7 myself at the beginning, but the city did  
 8 after the EEOC -- I told the EEOC about it,  
 9 and EEOC recommend the city pay for that  
 10 brace and reimburse me. We paid for the  
 11 brace in December, but it's still almost two  
 12 months later before I'm even allowed to go  
 13 back to work.  
 14 Q. All right. Since February of 1997, have you  
 15 requested any other type of accommodation  
 16 because of the injury that you have to your  
 17 right hand or wrist?  
 18 A. No, sir.  
 19 Q. And sitting here today, do you feel like  
 20 when you use that brace you are fully able  
 21 to do all of your job duties as an apparatus  
 22 operator?  
 23 A. As up to today, I have.

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1 Q. Since February of 1997, have you received  
 2 any additional medical treatment for your  
 3 right hand or wrist?  
 4 A. Since '97?  
 5 Q. Yes, sir.  
 6 A. I did go through a surgery on my hand. If  
 7 you see, I have a deformity on the hand. In  
 8 '96, I had a -- See, prior to that, this  
 9 finger came all the way in, and so I had to  
 10 have something done with this in '96. So I  
 11 had had some treatment for the deformity of  
 12 the finger to get it stretched, but it can't  
 13 be stretched -- I can't have no more  
 14 surgery, though.  
 15 Q. Okay. Since 1997, you haven't had any  
 16 additional medical treatment for your right  
 17 hand?  
 18 A. I don't -- I mean I might have seen  
 19 Dr. Hillyer. I might have. I remember one  
 20 time I seen Dr. Hillyer and told him, you  
 21 know, if he could possibility give me a  
 22 prescription for pain one time because, like  
 23 I said, I picked up heavy people and it kind

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1 of bothered me.  
 2 And this was at the ER, and he said oh,  
 3 yeah, because he knew the history of my --  
 4 He just wrote me a prescription. He said  
 5 take it when you need it, but I try not to  
 6 take it. I mostly take sometimes Advil or  
 7 stuff like that when it bother me, something  
 8 light. I don't like medication to be honest  
 9 with you.  
 10 Q. When you are utilizing the brace on your  
 11 right hand and wrist, do you feel like you  
 12 have any restrictions? Is there anything  
 13 that's a part of your job that you feel like  
 14 you can't do?  
 15 A. I do my job.  
 16 Q. Okay.  
 17 A. The brace don't get in the way. See, the  
 18 advantage of my brace about my doing my job,  
 19 when I flip it up and get it out of my hand,  
 20 I still can use my hand.  
 21 (Defendant's Exhibit Number 6  
 22 marked for identification.)  
 23 Q. Mr. Daniel, let me show you a grouping of

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1 documents that your lawyer has produced to  
 2 me. I'm going to mark them as Defendant's  
 3 Exhibit 6. I'm handing these to you. I'm  
 4 not sure that they are in the right order or  
 5 not.  
 6 A. I can help you out.  
 7 Q. All right. Are you familiar with that  
 8 document, Defendant's Exhibit 6? Do I have  
 9 it in backwards order?  
 10 A. (Nods head in the affirmative.)  
 11 Q. All right. Well, I'll put a new sticker on  
 12 the new front page.  
 13 A. Yes, sir.  
 14 Q. Do you recognize this set of documents?  
 15 A. Yes, sir.  
 16 Q. What is Defendant's Exhibit 6?  
 17 A. It is a document history containing from --  
 18 Let me see that again.  
 19 Q. Sure.  
 20 A. The pages that I see right here with the  
 21 number, I'm going to put them in order.  
 22 Q. Okay. Please do.  
 23 A. They go from October 31st, 1996. I kind of

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1 kept a little history what taken place and  
 2 what was said to me. Then the first EEOC  
 3 case, I was recommend by the EEOC -- They  
 4 told me to keep notes, and I took their  
 5 advice.  
 6 Q. So what that is is a document that you  
 7 prepared after you filed your EEOC complaint  
 8 where you just kind of kept up with what was  
 9 going on?  
 10 A. From October 31st when the bad day hit, yes,  
 11 sir.  
 12 Q. And when is the last date entry on that  
 13 document?  
 14 A. One is a separate document. I mean it  
 15 definitely right here need to be separate  
 16 from the original document. The last date  
 17 is January 31st, 1997 when I received the  
 18 affidavit and when I signed. And the last  
 19 date on this piece of paper is the date  
 20 February 7th, and that's the date I  
 21 returned.  
 22 Q. All right. The document that we are looking  
 23 at that's Defendant's Exhibit 6, was it kept

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1 like a diary where you would do the entries  
 2 as they occurred?  
 3 A. Yes, sir.  
 4 Q. Okay. Is it in order now?  
 5 A. Yes, sir.  
 6 (Defendant's Exhibit Number 7  
 7 marked for identification.)  
 8 Q. All right. Let me show you this document  
 9 that you pulled out and separated from that  
 10 original grouping of documents. I'm going  
 11 to mark this as Defendant's Exhibit 7. Tell  
 12 me what that document is.  
 13 A. I just sent EEOC a letter asking them to  
 14 review my claim I filed with EEOC, and the  
 15 reason I did that is because the way I was  
 16 intimidated, threatened and cursed in to  
 17 signing the document before I could go back  
 18 to work and was not never informed of all  
 19 the process about the charges.  
 20 And my concern is I were allowed to be  
 21 threatened, intimidated, cursed. All these  
 22 things wasn't suppose to happen, and when I  
 23 brought it to their attention, wasn't